

**TAB 21**

**INSTRUCTIONS FOR USE  
FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE  
OVER CONTRACTOR (FOCI) CERTIFICATION  
Rocky Flats Procurement Document 66B (RFPD-66B)**

The Foreign Ownership, Control, or Influence (FOCI) Over Contractor Certification form (RFPD-66B) shall be included in solicitations and subcontracts when the Buyer or Subcontract Administrator has determined that Foreign Ownership, Control, or Influence (FOCI) certification requirements are applicable. The form is to be completed for the Subcontract whenever subcontractor personnel require access to classified information or classified areas at the Site.

**FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE  
OVER CONTRACTOR (FOCI) CERTIFICATION  
Rocky Flats Procurement Document 66B (RFPD-66B)**

Documents

Included      Title

	Instructions for Submitting the Foreign Ownership, Control, or Influence Over Contractor (FOCI) Certification
	Foreign Ownership, Control, or Influence Over Contractor (FOCI) Certification (Form RFPD-66B / SF 3/28) and the Summary FOCI Data Sheet
Appendix A	Guidelines for Completing the FOCI Certification and the Summary FOCI Data Sheet
Appendix B	Representative of Foreign Interest Statement (Sample Format)
Appendix C	Sensitive Countries List
Appendix D	Owners, Officers, Directors, and Executive Personnel (OODEP) (Sample Format and Instructions)
Appendix E	Department of Energy Acquisition Regulations (DEAR) Part 904 – Administrative Matters
Appendix F	Security Plan Non-Possessing Facilities
Appendix G	Instructions for Completing the Certificate Pertaining to Foreign Interests
Appendix H	Safeguards and Security Questionnaire for All Registered Facilities at RFETS

**INSTRUCTIONS FOR SUBMITTING THE FOREIGN OWNERSHIP, CONTROL, OR  
INFLUENCE OVER CONTRACTOR (FOCI) CERTIFICATION**

- Note 1: Appendices A through H provide instructions for complying with the Foreign Ownership, Control, and Influence (FOCI) Clause.
- Note 2: The Offerors' FOCI submission shall consist of one (1) original and three (3) copies.
- Note 3: Offerors, and if applicable, parent organizations, that have (1) submitted this information previously, (2) received an affirmative FOCI clearance determination within the past five (5) years, and (3) experienced no changes to the FOCI submissions previously filed, need only have an authorized official of the representative organization complete two forms that affect this Foreign Ownership, Control, or Influence Over Contractor Certification. These forms are (1) the FOCI Summary Data Sheet and (2) the Security Plan for Non-Possessing Facilities. Failure to furnish information upon request may render the offer/bid non-responsive.
- Note 4: The FOCI Certification is hereby incorporated by reference into any resulting subcontract.

**FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE  
OVER CONTRACTOR (FOCI) CERTIFICATION**

1. For purposes of this certification, a foreign interest is defined as any of the following:
  - a. a foreign government or foreign government agency
  - b. any form of business enterprise organized under the laws of any country other than the United States or its possessions
  - c. any form of business enterprise organized or incorporated under the laws of the U.S., or a state or other jurisdiction within the U.S., which is owned, controlled, or influenced by a foreign government, agency, firm, corporation, or person
  - d. any person who is not a US citizen.
2. Foreign ownership, control, or influence (FOCI) means the situation where the degree of ownership, control, or influence over a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or a significant quantity of special nuclear material as defined in 10 CFR 710 may result.
3. If the Offeror has not previously submitted responses to the questions contained on the attached SF328 to the Department of Energy (DOE) as part of the facility security clearance process, then it shall answer the questions. Copies of information that responds to these questions and that was submitted to other government agencies may be submitted as responses to these questions if the earlier responses are accurate, complete, and current.
4. Prior to award of a Subcontract under this solicitation, the DOE must determine that award of the Subcontract to the Offeror/Bidder will not pose an undue risk to the common defense and security as a result of its access to classified information or a significant quantity of special material in the performance of the Subcontract.  
In making the determination, the Contracting Officer may consider a voting trust or other arrangements proposed by the Offeror/Bidder to mitigate or avoid FOCI. The Contracting Officer may require the Offeror/Bidder to submit such additional information as deemed pertinent to this determination.
5. The Offeror/Bidder shall require any lower-tier subcontractors having access to classified information or a significant quantity of special nuclear material to submit the certifications listed in this document directly to the Contractor.
6. Information submitted by the Offeror/Bidder in response to the questions in (c) above is to be used solely for purposes of evaluating foreign ownership, control, or influence and shall be treated by DOE, to the extent permitted by law, as business or financial information submitted in confidence.

**NOTE: If any of the documents required to support this certification are missing, the Contractor cannot complete award of the Subcontract.**

<b>CERTIFICATE PERTAINING TO FOREIGN INTERESTS</b> <i>(Type or print all answers)</i>		<b>Form Approved</b>  <b>OMB N. 0704-0194</b> <i>Expires June 30, 2004</i>	
<small>The public reporting burden for this collection of information is estimated to average 70 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0194), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</small>			
<b>PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO YOUR RESPECTIVE COGNIZANT SECURITY OFFICE.</b>			
<b>PENALTY NOTICE</b>			
Failure to answer all questions or any misrepresentation (by omission or concealment, or by misleading, false, or partial answers) may serve as the basis for denial of clearance for access to classified information. In addition, Title 18, United States Code 1001, makes it a criminal offense, punishable by a maximum of five (5) years imprisonment, \$15,000 fine or both, knowingly to make a false statement or representation		to any Department or Agency of the United States, as to any matter within the jurisdiction of any Department or Agency of the United States. This Includes any statement made herein which is knowingly incorrect, incomplete, or misleading in any important particular.	
<b>PROVISIONS</b>			
1. This report is authorized by the Secretary of Defense, as Executive Agent for the National Industrial Security Program, pursuant to Executive Order 12829. While you are not required to respond, your eligibility for a facility security clearance cannot be determined if you do not complete this form. The retention of a facility security clearance is contingent upon your compliance with the requirements of DoD 5220.22-M for submission a revised form as appropriate.		2. When this report is submitted in confidence and is so marked, applicable exemptions to the Freedom of Information Act will be invoked to withhold it from public disclosure.  3. Complete all questions on this form. Mark "Yes" or "No" for each question. If your answer is "Yes" furnish in full the complete information under "Remarks."	
<b>QUESTIONS AND ANSWERS</b>			
1. <i>(Answer la. or lb.)</i> a. <i>(For entities which issue stock):</i> Do any foreign person(s), directly or indirectly, own or have beneficial ownership of 5 percent or more of the outstanding shares of any class of your organization's equity securities? b. <i>(For entities, which do not issue stock):</i> Has any foreign person directly or indirectly subscribed 5 percent or more of your organization's total capital commitment?		Yes	No
2. Does your organization directly or indirectly through your subsidiaries and/or affiliates, own 10 percent or more of any foreign interest?			
3. Do any non-U.S. citizens serve as members of your organization's board of directors (or similar governing body), officers, executive personnel, general partners, regents, trustees, or senior management officials?			
4. Does any foreign person(s) have the power, direct or indirect, to control the election, appointment, or tenure of your organization's Board of Directors (or similar governing body) or other management positions of your organization, or have the power to control or cause the direction of other decisions or activities of your organization?			
5. Does your organization have any contracts, agreements, understandings, or arrangements with a foreign person(s)?			
6. Does your organization, whether as borrower, surety, guarantor, or otherwise have any indebtedness, liabilities, or obligations to a foreign person(s)?			
7. During your last fiscal year, did your organization derive: a. 5 percent or more of its total revenues or net income from any single foreign person? b. In the aggregate 30 percent or more of its revenues or net income from foreign persons?			
8. Is 10 percent or more of any class of your organization's voting securities held in "nominee" shares," in "street names," or in some other method which does not identify the beneficial owner?			
9. Do any of the members of your organization's Board of Directors (or similar governing body), officers, executive personnel, general partners, regents, trustees, or senior management officials hold any positions with, or serve as consultants for, any foreign person(s)?			
10. Is there any other factor(s) that indicates or demonstrates a capability on the part of foreign persona to control or influence the operations or management of your organization?			

**REMARKS** *(Attach additional sheets, if necessary, for a full detailed statement.)*

**CERTIFICATION**

I certify that the entries made by me above are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

**WITNESSES:**

\_\_\_\_\_  
*(Date Certified)*

By

\_\_\_\_\_  
*(Signature of Authorized Contractor Representative)*

\_\_\_\_\_  
*(Typed Name of Contractor)*

*Note: In case of a corporation, a witness is not required but the certificate below must be completed. Type or print names under*

*all signatures.*

\_\_\_\_\_  
*(Title of Authorized Contractor Representative)*

\_\_\_\_\_  
*(Address)*

*Note: Contractor, if a corporation, should cause the following certificate to be executed under its corporate seal, provided that the same officer shall not execute both the agreement and the Certificate.*

**CERTIFICATE**

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_  
of the corporation named as Contractor herein; that \_\_\_\_\_  
who signed this certificate on behalf of the Contractor, was then \_\_\_\_\_  
of said corporation, that said certificate was duly signed for and in behalf of said corporation by authority of its governing body, and is within the  
scope of its corporate powers.

\_\_\_\_\_  
*(Corporate Seal)*

\_\_\_\_\_  
*(Signature and Date)*

### SUMMARY FOCI DATA SHEET

PROVIDE RESPONSES TO THE QUESTIONS IDENTIFIED BELOW. (SUPPLEMENTAL PAGES MAY BE ATTACHED TO PROVIDE COMPLETE AND ACCURATE RESPONSES.)

1. Type of business structure: ( ) corporation; ( ) college/university; ( ) limited liability company; ( ) sole proprietorship; ( ) limited partnership; ( ) general partnership; ( ) other
2. Exact name as specified in charter:  
\_\_\_\_\_
3. All other names used (i.e., dba [doing business as], aka [also known as]):  
\_\_\_\_\_
4. State or other jurisdiction of incorporation or organization:  
\_\_\_\_\_
5. Date of incorporation or organization:  
\_\_\_\_\_
6. Stock ownership: ( ) privately held, ( ) publicly traded.
  - a. Class(es) of stock: \_\_\_\_\_
  - b. Number of shares authorized of each class of stock:  
\_\_\_\_\_
  - c. Number of shares issued of each class of stock?  
\_\_\_\_\_  
\_\_\_\_\_
  - d. Explain difference(s) between each class of stock, to include voting rights:  
\_\_\_\_\_  
\_\_\_\_\_
  - e. Is cumulative voting authorized? ( ) YES ( ) NO
7. Current physical address for the principal executive offices, individual point of contact and phone number for FOCI matters, and the organization's Facility Security Officer and phone number.  
**Physical Address** \_\_\_\_\_  
**Facility Security Officer** \_\_\_\_\_  
**Telephone** \_\_\_\_\_  
  
**Physical Address (if different)** \_\_\_\_\_  
**FOCI Point of Contact** \_\_\_\_\_  
**Telephone** \_\_\_\_\_

8. List all company names and/or address changes and the date(s) of such change(s), for the principal executive offices during the past 10 years.
- 
9. Legal name(s) of all tier parent organizations, if applicable.
- 
10. Provide the current number of members of the company's Board of Directors, to include identification by name of the Chairman of the Board, if applicable.
- 
- 
11. Will any parent organizations be performing work requiring access authorizations? If so, identify by legal name the parent organization(s) name.
- 
12. Does your organization or any parent organization maintain DOD facility clearances? If yes, please provide the DOD cage code(s).
-



**GUIDELINES FOR COMPLETING THE FOCI CERTIFICATION  
AND THE SUMMARY FOCI DATA SHEET**

**1. INSTRUCTIONS FOR COMPLETING THE FOCI REPRESENTATIONS AND CERTIFICATION, INCLUDING THE SUMMARY FOCI DATA SHEET**

If the Offeror/Bidder/Subcontractor is owned by a parent organization(s), the FOCI representations and certification should be attached for all tier parents, i.e., ultimate parent and any intervening levels of ownership. Each certification should be signed and dated by a person authorized to represent and sign for the organization as officially recorded by the organization (that is, in the document that sets forth the terms and conditions of its operation and management—the by-laws, operating agreement, partnership agreement, etc.), or any other employee, identified by name, of the organization if designated in writing by such an authorized official as having been delegated authority to execute the FOCI representations and certification on behalf of the organization.

The foregoing paragraph also applies to a subcontractor of any tier possessing a DOE-approved facility clearance; however, FOCI representations and certification do not need to be submitted to the Lead Responsible Office for any of the subcontractor's tier parents, if applicable, unless (1) a change(s) has occurred in the extent and nature of FOCI that would affect the answers provided to the questions in the parent's previously provided FOCI representations and certification; (2) a change in ownership or control has occurred; (3) five (5) years have elapsed since the parent's previously provided FOCI representations and certification were executed; or (4) the Lead Responsible Office has advised the Subcontractor that it considers a relevant change in the nature of FOCI has occurred and has requested comprehensive FOCI representations and certification for the tier parent(s).

In addition to the executed FOCI representations and certification, an Offeror/Bidder/Subcontractor and, if applicable, its tier parents should also submit the following to the Contracting Officer, or a Contractor with a DOE-approved facility clearance and, if applicable, its tier parents should also submit the following to the Lead Responsible Office:

- a. A copy of the US company's articles of incorporation and an attested copy of the US company's by-laws, or similar documents filed for the US company's existence and management, and all amendments to those documents. NOTE: A subcontractor with a DOE-approved facility clearance and, if applicable, its tier parents, does not need to provide these documents unless (1) the US company's articles of incorporation and by-laws, or similar documents filed for the US company's existence and management, have been amended or (2) the Lead Responsible Office has requested the documents.
- b. Complete and return the attached Summary FOCI Data Sheet. The Summary FOCI Data Sheet will enable the Lead Responsible Office to review and verify the submitted information in a quicker and more thorough manner, which will provide a quicker determination.
- c. Consolidated information and statements for the organization's most recently closed accounting year.
  - (i) Publicly traded companies (whether the ultimate parent, intermediate parent, or subsidiary) should submit their annual report and securities and exchange commission Form 10-K report for the most recently closed accounting year, as well as their most recent proxy statement for the annual meeting of stockholders.  
If the company's stock is not publicly traded but the company has publicly traded debt, the company should submit its Securities and Exchange Commission Form 10-K report for the most recently closed accounting year.
  - (ii) Privately owned companies (whether the ultimate parent, intermediate parent, or subsidiary) should submit consolidated financial information (including the accounts of the company and its subsidiary companies) for the most recently closed accounting year. The financial information should be prepared and presented in accordance with generally accepted accounting principles as established by the financial accounting standards board to include accompanying footnote disclosures. If available, audited financial information should be provided. If audited financial information is not available, unaudited information should be provided, but only if accompanied by a certification attesting to the unavailability of audited information.
- d. Listing of owners, officers, directors, and executive personnel (ODEP)  
The Subcontractor and all tier parents should submit a list identifying their respective organization's owners, owner's representatives, officers, directors, and executive personnel. Include their complete names; social security numbers; date and place of birth; citizenship; titles of all positions they hold within the organization; and what clearances, if any, they possess or are in the process of obtaining; and the identification of the government agency(ies) that granted or will be granting those clearances.

If any positions are vacant, so state.

For sole proprietorships operating in community property states (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, or Wisconsin), information on the sole proprietor's spouse, if applicable, should also be provided on the OODEP listing.

With respect to the US organization's owners, publicly-traded companies do not need to provide all identifying information on its owners as required on the OODEP listing unless those individuals are OODEPs of the US organization. However, publicly traded companies should provide the most recent copies of any Schedules 13D and/or 13G received from any beneficial owners (foreign or domestic) who hold 5 percent or more of any class of the US organization's securities.

## 2. REPORTING SIGNIFICANT CHANGES

*When changes in the extent and nature of FOCI that affect the information in a Subcontractor's and/or any tier parents' most recent DOE FOCI submission(s) have occurred, the Subcontractor/parent shall immediately provide written notification and supporting documentation relevant to the changes to the Lead Responsible Office. A significant FOCI increase/change that warrants processing of the Subcontractor/parent for a new FOCI determination includes, but is not necessarily limited to, the following.*

For a Subcontractor possessing a DOE-approved facility clearance acquiring access authorizations:

- a. A new threshold or factor that did not exist when the previous determination was made (e.g., a "no" answer changes to a "yes" answer), and any additional factors associated with the questions on the FOCI representation and certification.
- b. A previously reported threshold or factor that was favorably adjudicated by the Lead Responsible Office has increased to a level requiring a determination by the Office of Safeguards and Security.
- c. A previously reported financial threshold or factor that was favorably adjudicated has increased by 5 percent or more; or a shift has occurred of 5 percent or more by country location or end user (i.e., for revenue and/or net income) or lenders (i.e., indebtedness).
- d. A previously reported foreign ownership threshold or factor that was favorably adjudicated by the Office of Safeguards and Security has increased to the extent that a FOCI negation method or a different FOCI negation method is required.
- e. Any changes in the ownership or control of the Subcontractor and/or any tier parents.

An Offeror/Bidder and, if applicable, its tier parents, have submitted comprehensive FOCI representations and certification to a Contracting Officer; however, changes, as referenced in 2a through 2e above, in the extent and nature of FOCI that affect the information in the Offer's/Bidder's/Subcontractor's and/or any tier parents' respective FOCI representations have occurred prior to the completion of DOE's review and adjudication of the certification pertaining to FOCI, the Offeror/Bidder/Subcontractor and/or its tier parents should immediately provide written notification and documentation relevant to the changes to the Contracting Officer.

## 3. ANNUAL CERTIFICATION

Each Subcontractor holding a facility clearance shall certify annually to the Lead Responsible Office that (1) no significant changes have occurred in the extent and nature of FOCI that would affect the organization's answers to the questions provided in its FOCI representations; (2) no changes have occurred in the organization's ownership; and (3) no changes have occurred in the organization's officers, directors, and executive personnel.

When the Subcontractor is controlled by parent organizations that have been excluded, the Subcontractor must also provide annually to the Lead Responsible Office written certification from an authorized official from each such excluded parent that (1) no significant changes have occurred in the extent and nature of FOCI that would affect the organization's answers to the questions provided in its FOCI representations; (2) no changes have occurred in the organization's ownership; and (3) no changes have occurred in the organization's officers, directors, and executive personnel.

At the end of each year of operation, the trustees, proxy holders, or other principals, as appropriate, of those organizations operating under a DOE-approved Voting Trust Agreement, Proxy Agreement, Special Security Agreement, or Security Control Agreement shall submit to the Lead Responsible Office an annual implementation and compliance report. Failure of the cleared US organization to ensure compliance with the terms of the applicable security arrangement may result in the organization's facility clearance being suspended pending resolution of the FOCI. The contents of an annual implementation and compliance report are detailed below:

- a. When the contractor's Board of Directors (or similar governing body) has invoked resolutions to process key management personnel for access authorizations and to exclude from the personnel clearance requirement certain members of its Board of Directors and other officers and executive personnel, the Subcontractor should provide annually to the Lead Responsible Office written certification (1) that each of the organization's key management personnel required to obtain and retain an access authorization possesses the required clearance; (2) as to whether any changes have occurred in the positions held by any of the organization's OODEP whereby the duties of such position(s) requires the OODEP to be identified by name, to have access to classified information and/or SNM, or to be involved in the protection of classified information and/or SNM; (3) as to whether the invoked resolutions remain in full force and effect; and (4) as to whether there were any acts of noncompliance with these security measures, whether inadvertent or intentional, with a description of steps that were taken to prevent such acts from recurring.
- b. When the Subcontractor is controlled by a tier parent(s) that has not entered into a Subcontract requiring access authorizations and the Contractor's and tier parent's Boards of Directors have invoked resolutions to exclude the parent(s) from having any unauthorized access, the Subcontractor should provide annually to the Lead Responsible Office written certification (1) that the Exclusionary Resolutions invoked by the Subcontractor's and tier parent's Board of Directors remain in full force and effect; and (2) as to whether there were any acts of noncompliance with the security measures, whether inadvertent or intentional, with a description of steps that were taken to prevent such acts from recurring.
- c. When the Subcontractor is operating under a DOE-approved Voting Trust Agreement, Proxy Agreement, Special Security Agreement, or Security Control Agreement, the trustees, proxy holders, or other principals as appropriate of those organizations should submit to the Lead Responsible Office an annual implementation and compliance report. This report should include:
  - (i) A detailed description of the manner in which the company is carrying out its obligations under the arrangement.
  - (ii) Changes to security procedures, implemented or proposed, and the reasons for those changes.
  - (iii) A detailed description of any acts of noncompliance, whether inadvertent or intentional, with a discussion of steps that were taken to prevent such acts from recurring.
  - (iv) Any changes or impending changes, of senior management officials, or key Board members, including the reasons.
  - (v) Any changes or impending changes in the organizational structure or ownership, including any acquisitions, mergers, or divestitures.
  - (vi) Any other issues that could have bearing on the effectiveness of the applicable security clearance arrangement. Failure of the cleared U.S. organization to ensure compliance with the terms of its applicable security arrangement may result in the organization's DOE-approved facility clearance being suspended pending resolution of the FOCI.

## CONTENTS REVIEW REQUIRED BY THE OFFEROR/BIDDER/SUBCONTRACTOR

Prior to forwarding a FOCI submission to DOE, the Offeror should review the FOCI documentation to ensure that:

If the Offeror is owned by a parent organization(s), the FOCI representation(s) and certification(s) have been attached for all tier parents, i.e., ultimate parent and any intervening levels of ownership. Each certification must be signed and dated by an authorized official of the respective organization (i.e., a person authorized to represent and sign for the organization as officially recorded by the organization in the document that sets forth the terms and conditions for its operation and management by-laws, operating agreement, partnership agreement, etc.)

In addition to the executed FOCI representations and certification, an Offeror/Bidder and, if applicable, its tier parents should also submit the following to the Contracting Officer, or a Contractor with a DOE-approved facility clearance and, if applicable, its tier parents should also submit the following to the Lead Responsible Office:

1. A copy of the US company's articles of incorporation and an attested copy of the US company's by-laws, or similar documents filed for the US company's existence and management, and all amendments to those documents. NOTE: A Contractor with a DOE-approved facility clearance and, if applicable, its tier parents do not need to provide these documents unless (1) the US company's articles of incorporation and by-laws, or similar documents filed for the US company's existence and management, have been amended; or (2) the Lead Responsible Office has requested the documents.
2. The attached Summary FOCI Data Sheet. The Summary FOCI Data Sheet will enable the Lead Responsible Office to review and verify the submitted information in a quicker and more thorough manner, which will provide a quicker determination.
3. Consolidated information and statements for the organization's most recently closed accounting year.

- a. Publicly traded companies (whether the ultimate parent, intermediate parent, or subsidiary) should submit its annual report and Securities and Exchange Commission Form 10-K report for the most recently closed accounting year, as well as its most recent proxy statement for the annual meeting of stockholders.

If the company's stock is not publicly-traded but the company has publicly-traded debt, the company should submit its Securities and Exchange Commission Form 10-K report for the most recently closed accounting year.

- b. Privately owned companies (whether the ultimate parent, intermediate parent, or subsidiary) should submit consolidated financial information (including the accounts of the company and its subsidiary companies) for the most recently closed accounting year. The financial information should be prepared and presented in accordance with generally accepted accounting principles as established by the financial accounting standards board, to include accompanying footnote disclosures. If available, audited financial information should be provided. If audited financial information is not available, unaudited information should be accepted, but only if accompanied by a certification attesting to the unavailability of audited information.

4. Listing of owners, officers, directors, and executive personnel (OODEP)

The Subcontractor and all tier parents should submit a list identifying their respective organization's owners, owner's representatives, officers, directors, and executive personnel, to include their complete names; social security numbers; date and place of birth; citizenship; titles of all positions they hold within the organization; and what clearances, if any, they possess or are in the process of obtaining; and identification of the government agency(ies) that granted or will be granting those clearances.

If any positions are vacant, so state.

For sole proprietorships operating in community property states (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, or Wisconsin), information on the sole proprietor's spouse, if applicable, should also be provided on the OODEP listing.

With respect to the US organization's owners, publicly traded companies do not need to provide all identifying information on its owners as required on the OODEP listing unless those individuals are OODEPs of the US organization. However, publicly traded companies should provide the most recent copies of any Schedules 13D and/or 13G received from any beneficial owners (foreign or domestic) who hold 5 percent or more of any class of the US organization's securities.

**SAMPLE FORMAT  
REPRESENTATIVE OF FOREIGN INTEREST STATEMENT**

Name of foreign firm:

Address of foreign firm:

Nature of business of foreign firm:

Details of ownership of foreign firm:

The specific relationship between the foreign firm and the United States firm:

Percentage of time devoted to foreign firm:

Summary of duties with the United States firm. *(Provide detailed information as well as title of position):*

Summary of duties with the foreign firm. *(Provide detailed information as well as title of position):*

Have you ever registered as an Agent of a foreign government as detailed in 19 U.S.C. 219? If so, please provide details?

Communist affiliation (if none, so state):

**CERTIFICATION:**

I recognize my special responsibility to protect classified information from disclosure to any unauthorized person, foreign or domestic.

TYPED OR PRINTED NAME:

FULL NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Signature)

Social Security Number: \_\_\_\_\_

FACILITY: \_\_\_\_\_

SENSITIVE COUNTRY LIST

The government has identified the following countries as "Sensitive". They appear on this list for reasons of national security, terrorism, or nuclear nonproliferation support.

Algeria  
Armenia  
Azerbaijan  
Belarus  
China, People's Republic of  
Cuba  
Georgia  
India  
Iran  
Iraq  
Israel  
Kazakhstan  
Kyrgyzstan  
Libya  
Moldova  
Korea, Democratic Peoples Republic of (North Korea)  
Pakistan  
Russia  
Sudan  
Syria  
Taiwan  
Tajykistan  
Turkmenistan  
Ukraine  
Uzbekistan

NOTE: Due to the dynamic nature of work events, other countries may, at any time, become sensitive. Therefore, caution should be exercised in dealing with citizens of countries not listed to ensure that sensitive information, although unclassified in nature, is not inadvertently disclosed. This includes nuclear and other US technology and economic information.

**OWNERS, OFFICERS, DIRECTORS, AND EXECUTIVE PERSONNEL (OODPEP)**

LEGAL COMPANY NAME AND PHYSICAL ADDRESS OF FACILITY LOCATION: \_\_\_\_\_

ADDRESS OF COMPANY'S PRINCIPAL EXECUTIVE OFFICES IF DIFFERENT FROM THE PHYSICAL ADDRESS OF THE FACILITY LOCATION: \_\_\_\_\_

INDIVIDUAL'S COMPLETE NAME	ALL COMPANY TITLES/POSITIONS HELD BY IDENTIFIED INDIVIDUAL	DATE/PLACE OF BIRTH/CITIZENSHIP (US, OTHER, DUAL)	SOCIAL SECURITY NUMBER	IDENTIFY INDIVIDUAL'S SECURITY CLEARANCE(S) LEVEL, ISSUING U.S. GOVERNMENT AGENCY(IES) OR EXCLUSION AND DATE

List certified correct by: \_\_\_\_\_

Typed or Printed Name and Signature of Authorized Official \_\_\_\_\_ Title \_\_\_\_\_ Date Certified \_\_\_\_\_

**NOTE: SEE REVERSE SIDE FOR INSTRUCTIONS REGARDING COMPLETING THIS FORM.**

OFFICIAL USE ONLY (WHEN COMPLETED)

## INSTRUCTIONS

Provide requested OODEP information in accordance with the following instructions. In addition, the OODEP listing must be certified as being accurate, current and complete by an authorized official of the organization [i.e., a person authorized to represent and sign for the organization as officially recorded by the organization (that is, in the document which sets forth the terms and conditions for its operation and management--the bylaws, operating agreement, partnership agreement, etc.)] or any other employee, identified by name, of the organization, if designated in writing by such an authorized official as having delegated authority to execute the FOCI rep. & cert. On behalf of the organization:

Owners: The requested information on owners and representatives or agents of stockholders is to be attached to the organization's OODEP listing:

1. For privately-owned organizations:

- a. Provide the following information for each person (i.e., human being) who directly or indirectly owns or has beneficial ownership of 5 percent or more of any class of the organization's securities or who has directly or indirectly subscribed 5 percent or more of the organization's total capital commitment:

(1) If the beneficial owner holds a position as an OODEP in the organization and is identified on the OODEP listing, provide the individual's name with the class and number of shares of capital stock he/she owns of the organization's securities or the capital commitment he/she has subscribed.

(2) If the beneficial owner does not hold a position as an OODEP in the organization and is not identified on the OODEP listing, provide the individual's name, address, and the class and number of shares of capital stock he/she owns of the organization's securities or the capital commitment he/she has subscribed. If known, information on the individual's citizenship should also be provided.

- b. Provide the following information for each legal entity which directly or indirectly owns or has beneficial ownership of 5 percent or more of any class of the organization's securities or which has directly or indirectly subscribed 5 percent or more of the organization's total capital commitment.

The legal name (i.e., as specified in charter) with the address of its principal executive offices and the class and number of shares of capital stock the entity owns of the organization's securities or the capital commitment the entity has subscribed. In addition, if the entity is controlled by another organization, the country of ultimate legal residence must be provided.

- c. Provide the name of any representative(s) or agent(s) of any owner (person or entity), if any, who hold positions, such as Board member (or similar type of governing body), officers, executive personnel, or general partners in your organization. Also identify the owner which the individual is representing.

2. For publicly-traded organizations:

- a. Provide the most recent copies of any Schedules 13D and/or 13G received from any beneficial owners (foreign or domestic) who hold 5 percent or more of the organization's securities.
- b. Provide the name of any representative(s) or agent(s) of any stockholder (person or entity), if any, who hold positions, such as Board member (or similar type of governing body), officers, executive personnel, or general partners in your organization. Also identify the stockholder which the individual is representing.

Officers: Identify and provide requested information (i.e., names, titles, etc.) for all of the organization's officers on the OODEP listing.

The definition of officers is: Those persons in positions established as officers as officially recorded by the organization (that is, in the document filed for the organization's existence and the document which sets forth the terms and conditions for its operation and management--the articles of incorporation and bylaws; articles of organization and operating agreement; certificate



of limited or general partnership and the partnership agreement; etc.). However, excluded from this definition are: (i) assistant vice presidents who have no management responsibilities related to performance on classified contracts; (ii) assistant secretaries; and (iii) assistant treasurers.

Directors: Identify and provide requested information (i.e., names, titles, etc.) for all of the organization's directors and the OODEP listing, to include identification of the Chairman of the Board and any Vice Chairman. If the organization has no Chairman of the Board of Directors, identify the individual who performs those functions at board meetings.

The definition of directors is: Members of the board or similar governing body chosen to direct the affairs of a corporation or institution.

Executive Personnel: Identify and provide requested information (i.e., names, titles, etc.) for all the organization's executive personnel on the OODEP listing.

The definition of executive personnel is: Those individuals who perform policy making functions for the organization, or any other person in charge of a principal business unit, division, or function.

Facility Security Officer: Identify and provide requested information (i.e., name, title, etc.) for the organization's Facility Security Officer.

The definition of a Facility Officer is: The individual at the facility assigned the responsibility of administering the requirements of the Safeguards and Security Program within the facility.

Spouse of a sole proprietor: For those sole proprietorships operating in community property states, identify and provide requested information (i.e., all information required on the OODEP listing) on a sole proprietor's spouse, if any. If there is no spouse, so state.

Vacant positions: If any OODEP position is vacant, so state and include estimated date vacancy will be filled.

Percentage of Ownership: Include percentage of ownership with each name on OODEP; such ownership should equal 100%. If such ownership does not add up to 100%, please provide a statement of explanation as to where remaining ownership lies.

THE FOLLOWING IS EXTRACTED FROM THE DEPARTMENT OF ENERGY  
ACQUISITION REGULATIONS (DEAR)

**PART 904**  
**ADMINISTRATIVE MATTERS**

**Subpart 904.70. Foreign Ownership, Control, or Influence Over Contractors**

**904.7000 Purpose.**

This subpart sets forth the Department of Energy policies and procedures regarding foreign ownership, control, or influence (FOCI) over contractors. The procedures are designed to protect against an undue risk to the common defense and security which may result if classified information or special nuclear material is made available to DOE contractors or subcontractors who are owned, controlled, or influenced by foreign governments, individuals, or organizations. The procedures require certain Offerors and contractors/subcontractors to submit information which will help DOE to determine whether award of a contract to a firm, or continued performance of a contract by a firm, may pose an undue risk to the common defense and security because of the foreign influence.

**904.7001 Applicability.**

The provisions of this subpart shall apply to all Offerors, contractors, and subcontractors who will or do have access to classified information or a significant quantity of special nuclear material as defined in 10 CFR Part 710. In this subpart, the term "contractor" shall also mean subcontractor at any tier; the term "contract" shall also mean subcontract at any tier, and the term "Special nuclear material" shall also mean significant quantity of special nuclear material as defined in 10 CFR Part 710.

**904.7002 Definitions.**

Contracting officer means the DOE contracting officer.

Foreign interest means any of the following:

- (1) Foreign government or foreign government agency or instrumentality thereof;
- (2) Any form of business enterprise organized under the laws of any country other than the United States or its possessions;
- (3) Any form of business enterprise organized or incorporated under the laws of the U.S., or a State or other jurisdiction within the U.S. which is owned, controlled, or influenced by a foreign government, agency, firm, corporation, or person, or
- (4) Any person who is not a U.S. citizen.

Foreign ownership, control, or influence means the situation where the degree of ownership, control, or influence over an Offeror or a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or special nuclear material may possibly result.

**904.7003 Disclosure of Foreign Ownership, Control, or Influence.**

- (a) If a contract requires a contractor to have access to classified information or a significant quantity of special nuclear material, the DOE must determine whether access to the information or material by a contractor who is or may be subject to FOCI may pose an undue risk to the common defense and security before a contract can be awarded.
- (b) If during the performance of a contract, the contractor comes under FOCI, then the DOE must determine whether any further access to the classified information or special nuclear material may pose an undue risk to the common defense and security through the possible compromise of that information or material. If the DOE determines that such a threat or potential threat exists, the contracting officer shall consider the alternatives of negotiating an acceptable method of isolating the foreign interest which owns, controls, or influences the contractor or terminating the contract.
- (c) It is essential for the DOE to obtain information about FOCI which is sufficient to help the Department determine whether award of a contract to a person or firm, or the continued performance of a contract by a person or firm, may pose undue risk to the common defense and security. Therefore, the provision specified at 952.204-73 shall be included in solicitations that involve Offeror or contractors that are subject to 904.7001.
- (d) The contracting officer shall not award or extend any contract subject to this subpart, exercise any options under a contract, modify any contracts subject to this subpart, or approve or consent to a subcontract subject to this subpart unless:
  - (1) The contractor provides the information required by the solicitation provision at 48 CFR 952.204-73, and
  - (2) The contracting officer has made a positive determination in accordance with 48 CFR 904.7004.

**904.7004 Findings, Determination, and Contract Award or Termination.**

- (a) Based on the information disclosed by the offeror or contractor, and after consulting with the DOE Office of Safeguards and Security, the contracting officer must determine that award of a contract to an offeror or continued performance of a contract by a contractor will not pose an undue risk to the common defense and security. The contracting officer need not prepare a separate finding and determination addressing FOCI; however, the memorandum of negotiation shall include a discussion of the applicability of this subpart and the resulting determination.
- (b) In those cases where FOCI does exist, and the DOE determines that an undue risk to the common defense and security may exist, the offeror or contractor shall be requested to propose within a prescribed period of time a plan of action to avoid or mitigate the foreign influences by isolation of the foreign interest.
- (c) The types of plans that a contractor can propose are: measures which provide for physical or organizational separation of the facility or organizational component containing the classified information or special nuclear material; modification or termination of agreements with foreign interests; diversification or reduction of foreign source income; assignment of specific security duties and responsibilities to board members or special executive level committees; or any other actions to negate or reduce FOCI to acceptable levels. The plan of action may vary with the type of foreign interest involved, degree of ownership, and information involved so that each plan must be negotiated on a case by case basis. If the offeror or contractor and the DOE cannot negotiate a plan of action that isolates the offeror or contractor from FOCI satisfactory to the DOE, then the offeror shall not be considered for contract award and affected existing contracts with a contractor shall be terminated

**SECURITY PLAN  
NON-POSSESSING FACILITIES**

**NAME OF COMPANY:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**SUBCONTRACT NUMBER(s):** \_\_\_\_\_

The provisions of our above named subcontract(s) do not require our Company to receive, store, transmit, or originate classified information within our own facility(ies). This company's personnel will, however, have authorized access to classified information at the Rocky Flats Environmental Technology Site (Site), Golden, Colorado.

Mr/Ms \_\_\_\_\_, Phone \_\_\_\_\_, has been assigned the responsibilities of security coordinator and point-of-contact (POC). Since our client will provide us with the DOE required periodic security indoctrination and briefings, our security POC will be responsible for ensuring that we meet the following security requirements:

1. Ensure that all employees know and understand their individual responsibilities in executing and supporting security procedures relating to the Site.
2. Ensure that our company and our cleared personnel comply with personnel clearance reporting requirements.
3. Ensure that each employee follows all procedures, instructions and requirements of the Site as they relate to security, safety and the environment.
4. Ensure that the Company's client(s) is provided a copy of security procedures and any changes thereto.
5. Provide the assistance necessary to ensure that personnel security clearance requests and accompanying paperwork are accurately completed (Standard Form 86 and related documents).
6. Ensure that the provisions of The Privacy Act are met when handling and mailing/delivering completed personnel security clearance request documents.
7. Ensure that employees attend, and document attendance at all required security briefings:
  - a. Initial Security Briefing is required for all employees working at Rocky Flats.
  - b. Comprehensive Security Briefing is required for employees prior to getting their cleared badge.
  - c. Annual Refresher Briefing is required for all cleared employees.
  - d. Termination Briefing is required for all cleared employees.
8. Ensure that individuals having DOE access authorizations (clearances) notify the appropriate Security Office when access authorizations are no longer required (i.e., termination of employment, change of position, etc.). The individuals need to a) attend a Termination Briefing, b) complete security termination statement, which is forwarded to DOE Internal Security along with the signed receipt for security badges and c) return access authorization badge and all access cards to Badging Office T120A and obtain signed receipt (i.e., gate access cards, building access cards) all within five days.
9. Ensure that uncleared employees (those without access authorizations) return badge and all access cards to Badging Office T120A, and a copy of the signed receipt is forwarded to DOE Internal Security.
10. Ensure that no uncleared foreign national employee is placed in a position to exercise control or influence over properly cleared U.S. citizens who have been granted access to DOE classified information or significant quantities of special nuclear materials.
11. Ensure that this company complies with reporting requirements of contract clause, DOE Acquisition Regulation (DEAR 952.204-74, entitled "Foreign ownership, control or influence over contractor." This includes the immediate notification

of any change in ownership or control of this company or any other significant changes that would affect the Foreign Ownership, Influence or Control response previously provided by the Company.

12. Ensure that any and all DOE/government property in our possession is protected in accordance with DOE Order 470.1, SAFEGUARDS AND SECURITY PROGRAM, dated 9/28/95. Ensuring that a property control security plan is developed and sent to DOE for formal approval, if our company becomes responsible for more than \$5 million in government property.
13. Ensure that, if we are performing automatic data processing (ADP) functions with DOE (or DOE contractor) information, that the ADP systems and processes are documented and approved as required in DOE Order 1360.2B, UNCLASSIFIED COMPUTER SECURITY PROGRAM, dated 5/18/92, and DOE Order 472.1, INFORMATION SECURITY PROGRAM, dated 9/28/95.
14. Ensure 45 days advance notification to DOE of any planned foreign travel by DOE-cleared individuals to sensitive or communist-controlled countries.
15. Ensure employees attend necessary foreign travel briefings and debriefings conducted by appropriate Rocky Flats security organization.

SIGNATURE OF AUTHORIZED COMPANY OFFICER/DIRECTOR:

\_\_\_\_\_

TYPED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

cc: Contracting Officers' Representative (COR)

Revision Dated: February 27, 1996

**INSTRUCTIONS FOR COMPLETING THE  
CERTIFICATE PERTAINING TO FOREIGN INTERESTS**

**Question 1:**

- a. Do any foreign person(s), directly or indirectly, own or have beneficial ownership of 5 percent or more of the outstanding shares of any class of your organization's equity securities? If yes:**

\*Identify the percentage of any class of stock or other securities issued that are owned by foreign persons, broken down by country. Include indirect ownership through one or more intermediate level(s) of subsidiaries. Indicate voting rights of each class of stock.

\*Are there shareholder agreements? If yes, attach a copy(ies), and if none, so state.

\*Indicate whether a copy of SEC Schedule 13D/13G report has been received from any investor. If yes, attach a copy(ies).

NOTE: Ownership of less than 5 percent should be included if the holder is entitled to control the appointment and tenure of any management position.

- b. (For entities that do not issue stock): Has any foreign person directly or indirectly subscribed 5 percent or more of your organization's total capital commitment? If yes:**

\*Identify the percentage of total capital commitment that is subscribed by foreign persons.

\*Is there an agreement(s) with the subscriber(s)? If yes, attach a copy(ies), and if none, so state.

**Question 2: Does your organization directly, or indirectly through your subsidiaries and/or affiliates, own 10 percent or more of any foreign interest? If yes:**

\*Identify the foreign interest by name, country, percentage owned, and personnel who occupy management positions with the organizations.

\*If there are personnel from your organization, who occupy management positions with the foreign firm(s), identify the name(s), title, and extent of involvement in the operations of the organizations (including access to classified information).

**Question 3: Do any non-US citizens serve as members of your organization's Board of Directors (or similar governing body), officers, executive personnel, general partners, regents, trustees, or senior management officials?**

If yes:

\*Identify the foreign person(s) by name, title, citizenship, immigration status, and clearance or exclusion status.

\*Attach copies of applicable by-laws or articles of incorporation, that describe the affected position(s). However, if you have already provided such copies to the Cognizant Security Agency Industrial Security Representative, so state.

**Question 4: Does any foreign person(s) have the power, direct or indirect, to control the election, appointment, or tenure of members of your organization's Board of Directors (or similar governing body) or other management positions of your organization, or have the power to control or cause the direction of other decisions or activities of your organization? If yes:**

\*Identify the foreign person(s) by name, title, citizenship, and all details concerning the control or influence.

Note: If any foreign person(s) have such power, this question shall be answered in the affirmative even if such power has not been exercised, and whether or not it is exercisable through ownership of your facility's securities, if such power may be invoked by contractual arrangements or by other means.

**Question 5: Does your organization have any contracts, agreements, understandings, or arrangements with a foreign person(s)? If yes:**

\*For each instance, provide the name of the foreign person, country, percentage of gross income derived, and nature of involvement, including:

- whether defense/nuclear related or not
- involvement with classified or export controlled technology
- compliance with export control requirements
- where the organization has a large number of involvements and where these involvements are not defense/nuclear related and represent a small percentage of gross income, the explanation can be a generalized statement addressing the totals by country.

NOTE: We do not expect and will not require the Contractor to ask every customer if he/she falls within the NISPOM definition of a foreign person. We will ask the Contractor to provide ongoing security education to those individuals who negotiate and/or administer such agreements regarding their responsibilities to report agreements with a foreign person(s) to the best of their knowledge. The contractor will be certifying the response to this question to "the best of his/her knowledge" or "through his/her best efforts."

**Question 6: Does your organization, whether as borrower, surety, guarantor, or otherwise have any indebtedness, liabilities, or obligations to a foreign person(s)? If yes:**

- Provide your overall debt-to-equity ratio (in percentage)
- With respect to indebtedness or liability to a foreign person, indicate to whom indebted or liable, what collateral has been furnished or pledged, and any conditions or covenants of the loan agreement. If stock or assets have been furnished or pledged as collateral, provide a copy of the loan agreement or pertinent extracts thereof (to include procedures to be followed in the event of default).
- If any debentures are convertible, provide specifics.
- If loan payments are in default, provide details.
- This question should be answered in the affirmative if the debt is with a US entity that is owned or controlled either directly or indirectly by a foreign person. If unknown, so state.

Note: As stated above, we do not expect and will not require the Contractor to ask every lender if he/she qualifies as a foreign person. We will ask the Contractor to provide ongoing security education to those employees who handle lending arrangements regarding their responsibilities to report any such arrangements with a foreign person lender, to the best of their knowledge. The Contractor will be certifying the response to this question as being to "the best of his/her knowledge" or "through his/her best efforts."

**Question 7: During your last fiscal year, did your organization derive:**

- a. 5 percent or more of its total revenues or net income from any single foreign person?
- b. in the aggregate 30 percent or more of its revenues or net income from foreign persons?

If yes to either part of the question:

- Provide overall percentage of income derived from foreign sources by country, nature of involvement, and type of services or products.
- Indicate if any single foreign source represents in excess of 5 percent of total revenues or net income.
- Indicate whether any classified information is involved.
- State whether facility is in compliance with applicable export control requirements.

Note: As previously stated, we do not expect and will not require the Contractor to ask every customer if he/she qualifies as a foreign person. We will ask the Contractor to provide ongoing security education to those employees who handle information

about company revenues regarding their responsibility to report revenues derived from a foreign person(s) to the best of their knowledge. The contractor will be certifying the response to this question as being to "the best of his/her knowledge" or "through his/her best efforts."

**Question 8: Is 10 percent or more of your organization's securities held in "nominee shares," in "street names" or in some other method that does not disclose the beneficial owner? If yes:**

- Identify each foreign institutional investor holding 10 percent or more of the voting stock by name and address and the percentage of stock held.
- Indicate whether any investor has attempted to, or has exerted any control or influence over appointments to management positions, or influenced the policies of the organization.

**Question 9: Do any of the members of your organization's Board of Directors (or similar governing body), officers, executive personnel, general partners, regents, trustees, or senior management officials hold any positions with, or serve as consultants for, any foreign person(s)? If yes:**

- Provide the name, title, citizenship, immigration status, and clearance or exclusion status on all such persons.
- Identify, by name and address, each foreign organization with which such persons serve and indicate the capacity in which they are serving.
- Include a Statement of Full Disclosure of Foreign Affiliations for every cleared individual who is a representative of a foreign interest.

Note: We expect the Contractor to be able to answer this question fully for those individuals holding such positions with his/her foreign subsidiaries and any foreign interests. However, we do not expect and will not require the Contractor to ask every individual to ascertain if he/she is serving as a director, officer, or manager of a foreign person. We will ask the Contractor to provide ongoing security education to all key management personnel of their responsibilities to report serving as an interlocking director or in any other type of positions with a foreign person to the best of their knowledge. The contractor will be certifying the response to this question as being to "the best of his/her knowledge" or "through his/her best efforts."

**Question 10: Is there any other factor(s) that indicates or demonstrates a capability on the part of foreign persons to control or influence the operations or management of your organization? If yes:**

- Describe the foreign involvement in detail, including why the involvement would not be reportable in the preceding questions.



## DEFINITIONS FOR COMPLETING THE CERTIFICATE PERTAINING TO FOREIGN INTERESTS

**Affiliate** - Any entity effectively owned or controlled by another entity.

**Beneficial Owner** - The true owner of a security who may, for convenience, be recorded under the name of a nominee. Such ownership entitles the owner to the power to vote or direct the voting of a security or to impose or direct the disposition of a security.

**Bond** - A certificate, which is evidence of a debt in which the issuer promises to repay a specified amount of money to the bondholder, plus a certain amount of interest, within a fixed period of time.

**Convertible Debentures** - Bonds that the holder can exchange for shares of voting stock.

**Covenant** - A detailed clause in a lending agreement designed to protect the lender.

**Debenture** - A general debt unsecured by a pledge of any specific piece of property. Like any other general creditor claims, a debenture is secured by any property not otherwise pledged.

**Debt-to-Equity Ratio** - Total liabilities divided by total shareholders' equity (total assets minus total liabilities of a corporation; also called stockholders' equity, equity, and net worth). This shows to what extent owners' equity can cushion creditors' claims in the event of liquidation.

**Equity Security** - An ownership interest in a company, most often taking the form of corporate stock.

**Foreign Interest** - Any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized, chartered, or incorporated under the laws of any country other than the US or its possessions and trust territories, and any person who is not a citizen or national of the United States.

**Foreign Person** - Any foreign interest and any US person effectively owned or controlled by a foreign interest.

**Guarantor** - One who makes the guaranty (an agreement or promise to answer for the debt, default, or miscarriage of another).

**Immigration Status** - Legal basis for a non-US citizen's residence in the United States (e.g., work visa, admission for permanent residence). Note: Immigration and Naturalization Service Form 1-9 is an excellent source for this information.

**Joint Venture** - A partnership or cooperative agreement between two or more persons or firms, usually restricted to a single specific undertaking. Normally the undertaking is of short duration, such as for the design and construction of a dam.

**Liability** - Claim on the assets of a company or individual.

**Licensing Agreement** - A permit granted by one business to another that permits duplication of processes and production of similar items.

**Management Positions** - for the purposes of the questions on this form, management positions shall include owners, officers, directors, partners, regents, trustees, senior management officials, other executive personnel, and the Facility Security Officer.

**Nominee Share** - A share of stock or registered bond certificate that has been registered in a name other than the actual owner.

**Proxy** - One who acts for another. Also, the document by which such a representative is authorized to act.

**Representative of a Foreign Interest (RFI)** - A citizen or national of the US, who is acting as a representative of a foreign interest (see Foreign Interest).

**S.E.C. Schedule 13D** - This schedule discloses beneficial ownership of certain registered equity securities. Any person or group of persons who acquire a beneficial ownership of more than 5 percent of a class of registered equity securities of certain issuers must file a Schedule 13D reporting such acquisition with certain other information.

**S.E.C. Schedule 13G** - This schedule is a much abbreviated version of Schedule 13D that is only available for use by a limited category of "persons" (such as banks, broker/dealers, and insurance companies) and even then only when the securities were acquired in the ordinary course of business and not with the purpose or effect of changing or influencing the control of the issuer.

**Sales Agreement** - An agreement between two parties for the sale of goods or services on a continuing basis.

**Stock Option** - An option is the right to buy or sell at some point in the future.

**Street Name** - The common practice of registering publicly traded securities in the name of one or more brokerage firms.

**Subordinated Debenture** - A bond having a claim on assets only after the senior debt has been paid off in the event of liquidation.

**Surety** - One who is immediately liable for the debt of another if that other person or entity fails to pay.

**Total Capital Commitment** - The sum of money and other property an enterprise uses in transacting its business.

**US Person** - Any form of business enterprise or entity organized, chartered, or incorporated under the laws of the United States or its possessions and trust.

**SAFEGUARDS AND SECURITY  
QUESTIONNAIRE FOR ALL REGISTERED FACILITIES  
AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE (RFETS)**

Date:

Form Completed By:

Contract Number:

Contractor Name:

Requested Level of Facility Registration (Q/L):

Facility Security Officer (FSO) Name:

FSO Mailing Address:

FSO Phone Number:

On-Site Company Point of Contact (POC) for Safeguards and Security (S&S) issues or information if FSO is not located on-Site:

On-Site POC Location (Building Number):

On-Site POC Phone Extension/Pager:

Circle appropriate option (do you/will you) on questions below.

(Do you/Will you) have employees who hold active DOE Security Clearances?

(Do you/Will you) generate, store, or handle classified documents?

(Do you/Will you) handle, transport, or protect Special Nuclear Material (SNM)?

(Do you/Will you) have unclassified sensitive or classified computers (any government-owned or company-owned computer hooked to the Site network is considered unclassified sensitive)?

Provide a brief description of Contractor tasks requiring the use of security clearances (provide enough detailed information to justify the need for security clearances. Use an additional sheet if necessary: